

**STATUS REPORT TO THE INDEPENDENT MONITOR  
SUBMITTED BY THE PARTIES TO THE COLLABORATIVE AGREEMENT**

The parties to the Collaborative Agreement, the Plaintiff Class, who is represented by the American Civil Liberties Union (ACLU) of Ohio; the City of Cincinnati and the Fraternal Order of Police (FOP) (collectively referred to as “the parties” or the collaborative partners”) submit this status report to the Independent Monitor, pursuant to Collaborative Agreement paragraph 105.

**Dated December 5, 2003**

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## INTRODUCTION

This Report is intended to advise the Independent Monitor as to the continuing progress that the Parties have made since the Monitor's Fourth Report was issued September 5, 2003. The Independent Monitor oversees implementation of both the Memorandum of Agreement (MOA) between the City and the United States Department of Justice, and the Collaborative Agreement (CA) between the City and the ACLU and the Fraternal Order of Police. The MOA is appended to the CA and is enforceable solely through the mechanism of paragraph 113 of the Collaborative Agreement.

The purpose of the Collaborative Agreement is to resolve conflict, to improve community-police relations, to reduce crime and disorder, to fully resolve the pending claims of all individuals and organizations named in the underlying litigation, to implement the consensus goals identified by the community through the collaborative process, and to foster an atmosphere throughout the community of mutual respect and trust among community members, including the police. The Parties recognize that there has been friction between some members of both the community and the Cincinnati Police Department (CPD). The ultimate goal of the Agreement is to reduce that friction and foster a safer community where mutual trust and respect are enhanced among citizens and police.

Implementation will not only reform police practice, but will enhance trust, communication, and cooperation between the police and the community. The City of Cincinnati and the plaintiffs continue to be enthusiastic and committed to this endeavor.

This report provides updates based on the following established committees to fully address each area stipulated in the Agreement:

- Community Problem Oriented Policing Committee
- Mutual Accountability Evaluation Committee
- Department of Justice Memorandum of Agreement Committee
- Fair, Equitable and Courteous Treatment Committee
- Citizen Complaint Authority Committee

Plaintiff's remarks are clearly identified throughout as theirs. In the spirit of the Collaborative, no effort has been made by the other parties to edit, revise, or otherwise comment on the Plaintiff's remarks. However, the City wishes to make clear at the outset of this report that its silence should not be taken as sharing the Plaintiff's views. Rather than responding in point/counter point fashion in the context of this report (which the City believes would not be productive), The City hopes to address Plaintiffs' comments during roundtables and other meeting of the parties.

## **A. COMMUNITY PROBLEM ORIENTED POLICING STRATEGY**

*Items 29a, The City, in consultation with the other Parties, shall develop and implement a plan to coordinate City departments with the CPOP focus of the CPD.*

### Monitor's Previous Assessment

The City continues to make progress in this area. The Monitor wants the Parties to report on the quality, timeliness and results of inter-agency collaboration vis-à-vis the projects undertaken by the pilot CPOP teams.

### Status Update

In September, the Parties reinstituted the CPOP Committee and began regularly meeting on a monthly basis. The CPOP Committee is representative of all the Parties to the Collaborative Agreement. These meetings assist the Parties to achieve the goals of the Collaborative by providing a forum for open dialogue (See Attachment 1: CPOP Committee Meeting Agendas and Working Notes.)

As part of the preparation for the monthly CPOP Committee meetings, the City drafted deliverables for 29a through 29q. These deliverables are included in this status report under each of the following CPOP sections. (See Attachment 2 for complete list of drafted deliverables.) In November, the Parties will discuss and refine these deliverables, as necessary. Future status reports to the Monitor will provide updates on the progress being made toward the achievement of these deliverables.

Draft Deliverables for 29a are:

1. Define Goals for CPOP
2. Develop CPOP Action Plan(s)
3. Train Staff on CPOP Action Plan(s)
4. Implement CPOP Action Plan(s)

Action plans for implementation of CPOP for the Center and the City have been developed, as previously reported to the Monitor.

The Fire Department, Greater Cincinnati Water Works, and Metropolitan Sewer District are the final three line agencies within the City of Cincinnati that will be incorporated into CPOP. The involvement of these departments began on October 23, 2003 through a meeting with the senior administrators (See Attachment 3: Departmental Meeting Agenda). The administrators are now in the process of identifying Departmental Liaisons by police district and neighborhood. In accordance with the City's Action Plan, liaisons representing each line agency of the City have been identified and received training about their roles and responsibilities as a resource to CPOP Teams. Problem Coordinators and Community Outreach Workers will continually use liaisons as a resource during their work with the CPOP Teams utilizing the SARA problem solving model to address chronic community

problems. Newly appointed liaisons and previously appointed liaisons, who have yet to attend training, will receive training (See Attachment 4: Liaison Training Agenda)

*Item 29b, The Parties shall develop and implement a system for regularly researching and making available to the public a comprehensive library of best practices in community problem-oriented policing.*

#### Monitor's Previous Assessment

Compliance will depend on how quality control is maintained in the system and on the use of the system in effective problem solving. The Monitor would like an assessment of the CPOP officers' use of the website.

#### Status Update

Draft deliverables for 29b are:

1. Develop CPOP Web Page
2. Train Staff to use CPOP Web Page
3. Train Community to use CPOP Web Page
4. Utilize CPOP Web Page

While the CPOP web page has been on-line since August, the Parties plan to explore and develop a method for jointly documenting a CPOP team's efforts. These efforts will be chronicled by the Police Problem Coordinator and the Center's Community Outreach Worker. (See Attachment 5: Target Implementation Timeline.)

On November 11, 2003, the Police Training Liaisons participated in a three-hour training session on the CPOP web page. (See Attachment 6: CPOP Webpage Training for Liaison agenda) The goal of this training session was to increase officers' knowledge of CPOP and the application of problem solving documentation via the CPOP web-page. The officers will not only be a resource for the Police Problem Coordinators, but will lead upcoming roll- call training. To facilitate the roll call training, a training video is being developed.

**Plaintiffs' Comments:** "Plaintiffs are eager to see the problem tracking software piloted with the interim outreach workers presently serving the problem solving teams. That has not yet happened and should be expedited so that any changes that are deemed necessary can be implemented before the city is too wedded to the present model."

The CPOP Curriculum Workgroup, a subcommittee of the CPOP Committee with representation from all the Parties, is jointly developing the CPOP Training Curriculum and rollout. In addition, the Parties will develop a joint plan for training all CPOP team members on how to use the CPOP web page.

*Items 29c, The City, in consultation with the Parties, shall develop a process to document and disseminate problem solving learning experiences throughout the Police department and the public.*

#### Monitor's Assessment

The Monitor noted the importance of training for CPOP officers and team members in researching best practices, training for crime analysis in hot spots, problem analysis, and training for Street Narcotics personnel in turning around drug hot-spots.

The Monitor would like a copy of the curriculum used for training property owners, and information on the criteria used for inviting property owners to the training. He encourages training on non-discriminatory tenant screening practices and "best practices" in reducing the repetitive cycle of renting to drug dealing tenants and having to evict them.

#### Status Update

Draft Deliverables for 29c are:

1. Develop CPOP Web Page
2. Utilized CPOP Web Page

While the CPOP web page has been on-line since August, the Parties plan to continue to update the format and information resources through CPOP implementation. In the near future, we anticipate also making information, related to the Center, available on the web page. Other activities include developing a method for joint documentation on problem-solving efforts (See Attachment 5: Target Implementation Timeline.)

CPD held two Drug Eviction and Abatement training sessions for property owners and landlords on September 29, 2003. The training provided information on ways to identify drug abuse and drug trafficking on individual property, the laws of drug eviction and how the CPD can assist in keeping properties safe and drug free. (See Attachment 7: Eviction and Abatement Training PowerPoint Presentation, Informational Report sent to City Council and Press Release.

The following were notified of and invited to attend training: Greater Cincinnati/Northern Kentucky Apartment Association list, personal invitations by neighborhood officers to landlords within the Police Districts, and an invitation to anyone that contact the Police Department requesting information on the training or landlord issues.

**Plaintiffs' Comments:** "Plaintiffs were unaware of the drug eviction and abatement training. Plaintiffs would like to see the materials used and the PowerPoint slides. This may be an area where cooperation with the Partnering Center would make it even more effective. Screening tenants is a sensitive issue with the plaintiffs and we need to see the materials."

*Item 29d, The Parties shall research best practices and unsuccessful methods of problem solving used by other professionals (e.g. conflict resolution, organizational development, epidemiology, military, civil engineering and business).*

Monitor's Assessment

CPD and the Parties should be culling websites for specific successful approaches that show quality analysis, tailored responses, and valid assessments and these should be shared and disseminated in the Department.

Status Update

Draft Deliverables for 29d are:

1. Develop Research Plan
2. Research
3. Utilize Knowledge Gained

The CPOP Committee will develop a research plan, jointly participate in conducting necessary research, and implement project modifications as necessary. (See Attachment 5: Target Implementation Timeline.)

**Plaintiffs' Comments:** "Plaintiffs state that nothing has been accomplished on drawing resources from other fields. We will ask John Eck about this as he suggested this paragraph. Does the monitor team have any suggestions?"

*Item 29e, The Parties, consistent with the Community Partnering Program shall conduct CPOP training for community groups, jointly promote CPOP and implement CPOP training.*

Monitor's Assessment

The Monitor recommends a roundtable discussion in November or early December among the Parties to work on the content of the CPOP training and on the SARA problem solving process.

Status Update

Draft deliverables for 29e are:

1. Develop CPOP Curriculum
2. Develop Process for Delivering CPOP Training
3. Develop Timeline for Delivering CPOP Training
4. Develop Promotional Plan for CPOP Training
5. Implement CPOP Promotional Plan and Training

The CPOP Committee has appointed a Curriculum Workgroup to work towards achievement of these deliverables (Also see 29b.) The Curriculum Workgroup, consisting of representatives from all the Parties, met on October 22, 2003. (See Attachment 8: CPOP Curriculum Development Workshop Agenda.) Progress is being made on drafting a PowerPoint presentation which will be used to jointly train future

CPOP Team participants. (See Attachment 9: Future CPOP Training Draft PowerPoint Presentation.)

**Plaintiffs' Comments:** "Plaintiffs note that the training materials shall consist of more than a PowerPoint. We will have a workbook of expanded materials and scenarios. We will include explanations of city statistics resources. We will tie the training to the CPOP policy within the CPD."

*Item 29f, The Parties shall coordinate efforts through the Community Partnership Program to establish an ongoing community dialogue and interaction including youth, property owners, businesses, tenants, community and faith-based organizations, motorists, low-income residents and other city residents on purposes and practices of CPOP.*

#### Monitor's Assessment

The Monitor noted CPD outreach efforts and focused interventions, and recognized that it is difficult for the Parties, in absence of a fully operational Partnering Center, to jointly develop structured police dialogue. The Monitor would like a copy of the "What to do When Stopped by the Police" brochure and CHRC's "Do it Right" videotape. The Plaintiffs and FOP should review the brochure and any accompanying lesson plans.

#### Status Update

Draft deliverables for 29f are:

1. Develop Community Dialogue and Interaction Plan
2. Implement Community Dialogue and Interaction Plan

The CPOP Committee will develop a community dialogue and interaction plan and jointly implement tasks of the plan. (See Attachment 10: English and Spanish version of the Brochure "What to do When Stopped by the Police.") The "Do it Right Video" is included as a separate attachment to this report.

**Plaintiffs' Comments:** "Plaintiffs also request a copy of the brochure and video. The Partnering Center will be a key player in the dialogue. The Friends are also critical to this effort. At the Dec 2 Partnering Center meeting a full plan was approved for development of the Friends beginning in Jan 04. Plaintiffs had hoped to model the dialogue through our joint conduct as parties at the release of the traffic stop study. We were very disappointed in the lack of a mature approach to the issue of bias raised by the study. Plaintiffs developed their own study guide to the study which is attached. Plaintiffs are using the study guide with various community groups."

*Item 29g, The Parties shall establish an annual CPOP award program.*



#### Monitor's Assessment

Preliminary discussions are good.

#### Status Update

Draft deliverables for 29g are:

1. Develop criteria for the CPOP Annual Award Program
2. Host the CPOP Annual Award Program

The Award committee has identified four possible types of awards that support the CPOP philosophy. They are Leadership, Team, Corporate and Citizens. Criteria is being developed for each award. The number of awards and the type of award ceremony will depend on funding availability. It was discussed during a subcommittee meeting and the CA Steering Committee meeting that the Partnering Center may be the agency to facilitate the development and implementation of the awards program. Once funding has been identified, the development of the awards program can be finalized.

*Item 29h, The City, in consultation with the Parties shall develop and implement a system for consistently informing the public about police policies and procedures. In addition, a communications audit shall be conducted and a plan will be developed and implemented to improve internal and external communications.*

#### Monitor's Assessment

The Monitor awaits a copy of the communication audit.

#### Status Update

Draft deliverables for 29h are:

1. Develop Communications Plan
2. Implement Communications Plan

The CPOP Committee will develop a Communications Plan and jointly participate in implementing the Plan. One element will be to consistently inform the public about police policies, procedures and practices. (See Attachment 5: Target Implementation Timeline.)

**Plaintiffs' Comments:** "Plaintiffs know that a communications audit was done as required by the agreement and it has not yet been produced by the CPD. Plaintiffs seek a copy of that audit ASAP."

*Item 29i, The CPD will create and staff a Community Relations Unit.*

#### Monitor's Assessment

**The City is in compliance with this requirement.**

*Item 29j, The Parties shall describe the current status of problem solving throughout the CPD via an annual report. Each Party shall provide details on what it has done in relating to its role in CPOP.*

Monitor's Assessment

**The Parties are in compliance with this requirement.**

Status Update

Draft deliverables for 29j are:

1. Develop a format for the Annual Problem Solving Report
2. Publish Problem Solving Report

The First Annual Problem Solving Report has been distributed to the Parties, neighborhood business associations, community councils, youth organizations, social service agencies, and other community organizations that advocate an improved quality of life such as, the Urban League, United Way, Metropolitan Area Religious Coalition for Cincinnati, and National Conference for Community and Justice. In addition, copies are available at the City's 34 community centers and 16 senior centers. (See Attachment 11, Distribution Lists.) The report is also available on the City's website.

**Plaintiffs' Comments:** "Plaintiffs note that the City printed too few of the reports. We did not even have enough for the persons engaged in the problems that were the subject of the reports. No one noticed the report in the media. We did not accomplish the task of using the report to educate the broader community and build enthusiasm for problem solving. "

*Item 29k, CPD Commanders shall prepare quarterly reports that detail problem solving activities within the Districts. Reports shall identify specific problems and steps taken by the City and community toward their resolution. Reports shall identify obstacles faced and recommendations for the future. Reports should be available to the public through the Community Relations Unit.*

Monitor's Assessment

The Monitor noted that the reports should be in narrative form with sufficient evidence of quality analysis, tailored responses and assessment of impact. In the next quarterly status report the Monitor will report on the actual CPOP team projects.

Status Update

Draft deliverables for 29k are:

1. Develop Format for Quarterly Report
2. Publish Quarterly Report

The CPOP Committee has been provided a draft of the CPD Commanders' Quarterly Report Format. (See Attachment 12, Draft CPD Commanders' Quarterly Report.) The CPOP Committee will review the draft report format, as well as, the District Commanders submissions to finalize the quarterly reporting format. It is anticipated that quarterly reports will be submitted by all CPD Commanders following the first quarter of 2004 (April).

CPD has also established a procedure to direct staff in problem solving activities (See Attachment 13: Procedure 12.370.)

**Plaintiffs' Comments:** "Plaintiffs note that the district commander reports have recently been posted to the website. Plaintiffs have not had time to review the reports and offer any detailed analysis but the following comments are based on an initial review:"

"The District Commander report forms provide synopses of the problem-solving SARA documentation. Although many of the problems contained within these reports are identified by officers, this does not represent a problem as we expect and desire that officers would use the information they possess regarding crime patterns to respond to issues throughout the community. However, we do find that all too often the community is absent from the response to these problems and the police seem to rely solely upon traditional policing strategies and responses. We do not find this consonant with the CPOP philosophy and, therefore, would find these reports ineligible for inclusion in a report of CPD problem solving activities. The example of the trespassing kids at the Over-the-Rhine Shell station represented good community involvement through most of the phases of problem solving (from analysis to assessment). Another problem, however, that of children throwing rocks onto I-75 lacked any apparent community involvement in the response phase. The same is true of a response to downtown assaults by youths. Additionally, we find that often the assessment phase often remains either blank or has been confused with the response phase. In any event, there is need for the development of systems to assess the success of the problem-solving response."

*Item 29l, The Parties shall review existing Police Academy courses and recommend new ones in order to effectively and accurately inform police recruits, officers and supervisors about the urban environment in which they work.*

#### Monitor's Assessment

The Monitor expects progress before the end of 2003. The first step would be for the Plaintiffs to have the Advisory Board members meet with the District Captains and with Academy commanders.

#### Status Update

Draft deliverables for 29l are:

1. Review Police Academy Courses
2. Determine New Training Plan
3. Utilize New Training Plan

The CPOP Committee will work together to develop a process to review Police Academy courses, determine a training plan, and implement the training plan. (See Attachment 5, Target Implementation Timeline.)

**Plaintiffs' Comments:** "Plaintiffs note that we have agreed to do this but not actually done the work yet. Plaintiffs need a copy of the curriculum and need to audit various courses. Plaintiffs will set up a meeting with the district commanders and the advisory committee."

*Item 29m, The Parties, in conjunction with the Monitor, shall develop and implement a problem tracking system.*

#### Monitor's Assessment

The Monitor would like more information regarding the capabilities of the system to aggregate the data in the system and provide reports and analysis for the system users.

#### Status Update

Draft deliverables for 29m are:

1. Develop a Problem Tracking System
2. Implement a Problem Tracking System

The CPOP web page is the primary problem tracking system to be utilized by CPOP Teams. It has been on-line since August, the Parties plan to update, when necessary, the process of jointly documenting problem-solving efforts.

**Plaintiffs' Comments:** "See above. Plaintiffs are not yet using the system with the Police and need to see the CPD actually work with Doreen Cudnick to use it on problems and then determine its effectiveness."

*Item 29n, The City shall periodically review its staffing plan in light of its commitment under CPOP.*

#### Monitor's Assessment

The Monitor requested that the CPD share the current formula it uses to determine District staffing, along with the numbers that accompany application to the formula in each of the five districts. The Monitor looks forward to hearing CPD's suggestions and steps to determine staffing. CPD should also provide details of how it does staffing reviews and the results of these reviews.

### Status Update

Draft deliverables for 29n are:

1. Define Process to Review Staffing Plan
2. Review Staffing Plan
3. Modify Staffing Levels (as appropriate)

The CPOP Committee is in the process of forming a Human Resources Workgroup to work on staffing and other personnel related issues. The group will define a review process, perform the review, and make appropriate recommendations. (See Attachment 1, CPOP Committee Meeting Agendas and Working Notes.)

*Item 29o, The City shall review and where necessary, revise police departmental policies and procedures, organizational plans, job descriptions, and performance evaluation standards, consistent with its commitment to CPOP.*

### Monitor's Assessment

The Monitor would like CPD to report on its efforts to research how other agencies use job descriptions, performance measures and performance appraisal systems in setting and monitoring community and problem oriented policing expectations, change its performance appraisal cycle for sworn officers so that appraisals are completed on a rolling basis; and provide details on the personnel evaluation. He suggested that the CPD should begin CPOP related review of the department's policies, procedure, and performance evaluation system.

### Status Update

The newly established Human Resources Workgroup, once constituted, will work toward these deliverables. (See Attachment 1: CPOP Committee Meeting Agendas and Working Notes.) CPD contacted Portland, San Diego and Charlotte to obtain their job descriptions involving CPOP functions. Two of the three have responded (waiting a response from Portland). CPD is also in process of obtaining information from smaller agencies and internet sites. A draft modification to job descriptions has been prepared for discussion purposes. (See Attachment 14: Draft Job Descriptions Modifications.) Once feedback from the Monitoring Team is received job descriptions will be updated and provide copies to all personnel.

A committee to examine performance evaluation will be assembled. Currently Joe Brann has been looking at our performance evaluation system and will be providing recommendations on improving it. Once recommendations are received, we will proceed with a revised performance evaluation system in-depth study.

**Plaintiffs' Comments:** "Plaintiffs do not agree that feedback from the monitoring team is all that is needed to satisfy the job description issue. Plaintiffs are working with the parties to ensure that a unitary message about problem solving is describes, taught and implemented from recruiting to training, to job descriptions, to policies, to

report forms, to perf instruments, to discipline matrix, etc. This must be an integrated effort. Plaintiffs are unaware of what Joe Brann is doing and would like to consult with him. Plaintiffs have extensive knowledge about the performance system and ideas on how it can be modified consistent with the collaborative and existing law.”

*Item 29p, The City shall design a system that will permit the retrieval and linkage of certain information including repeat offenders, repeat victims, and/or locations.*

#### Monitor's Assessment

The Parties should consider the kind of problem solving activities officers (other than CPOP officers) should be expected to do with respect to those repeat locations not selected by CPOP teams and where police are constantly called. The CPD is to provide a detailed description of the current records system and a copy of the RMS RFP for review.

#### Status Update

The Police Department will work with Gartner Consultants and the Regional Computer Center to obtain the information they have compiled on the current records systems maintained by the Police Department. As there are numerous stand alone systems throughout the department, this will take some time. We anticipate being able to provide the information by the Monitor's next report.

The Department is currently reviewing the first draft of the proposed system specifications document for both the proposed Records Management System (RMS) and a new computer Aided Dispatch System (CAD) which will be the basis for the RFP. The Project Committee feedback is due to the consultant November 26, 2003. Once revisions are made to this document from the feedback of the Project Committee, the consultant will develop a draft RFP for a Records Management System and a Computer Aided Dispatch System. This draft RFP will be provided to the Monitor and parties for input. The RFP should be completed before the end of 2003 with anticipated publication in the first quarter of 2004.

**Plaintiffs' Comments:** “Plaintiffs intended to address this issue at the round table. We believe that officers at roll call should be assigned problems and/or should suggest problems that they should investigate and begin scanning based on the data involving repeat locations, offender, victims. The officer's work should be summarized so a determination can be made as to whether that problem should be formally entered into the problem tracking system and a team formed. If problem solving is the cornerstone for policing in Cincinnati we need to deploy officers around problems. How will such a system affect service call response time? The City has promised plaintiffs a copy of a recent grant they received for implementing certain hardware that is supposed to make officers more efficient. We are waiting for the grant. We want to make sure that our proposals are compatible with the other demands on the CPD. The City has not shared with Plaintiffs any information regarding the proposed system specifications document for both the proposed

Records Management System (RMS) and a new computer Aided Dispatch System (CAD).”

*Item 29q, The City, in consultation with the Parties, shall study and determine how to secure appropriate information technology for access to timely and useful information needed to detect, analyze and respond to problems and evaluate their effectiveness.*

Monitor’s Assessment

See 29p.

Status Update

Mr. Richard Jerome of the Monitoring team has been involved in budget conversations during recent vendor interviews in response to the Evaluation RFP. The City Administration currently has no funding source for the Records Management System mentioned above, which would be used for the purpose of paragraph 29p. The City has expressed to the parties and Mr. Jerome its intentions to use a portion of the money required to be set aside each year for the DOJ MOU and the Collaborative Agreement to purchase the Records Management System. Intentions are to begin funding of this system with monies budgeted for 2004-2007. There still will be additional funding required outside of the budgeted amounts for the agreements. The City continues to look for additional funding sources to purchase the entire system.

**Plaintiffs’ Comments:** “Plaintiffs are very disappointed that federal monies suggested by the Department of Justice when the agreements were signed has apparently not materialized. Plaintiffs stand ready to help the city secure these funds. Plaintiffs may contest the City’s proposed allocation of funds for capital costs to the collaborative.”

## B. MUTUAL ACCOUNTABILITY EVALUATION

### Evaluation Protocol

*Items 30-46, Evaluation Protocol.*

#### Monitor's Assessment

While there has been progress in selecting an Evaluator, it will take some time before a selection is made, a contract with the Evaluator is negotiated, and actual work is begun on the Evaluation Protocol.

#### Status Update

The two finalists for the evaluation component, RAND and the University of Cincinnati Center for Criminal Justice, made presentations to the Evaluation Committee on November 6 and 7, 2003. Prior to the presentations, the finalists were advised of the following:

- The City asserts that it has a budget of \$350,000 for year one and \$100,000 for each additional year available for this effort for a total of \$750,000. Thus their presentations were to focus on the work that they felt was essential and would be within these budget guidelines. **Plaintiffs' Comment:** Delete the underlined sentence.

**Plaintiffs' Addition:** "Until recently, the City had not allocated costs expended towards compliance with the CA or MOA. In the event that additional funding is not forthcoming, Plaintiffs may contest the City's allocations in order to ensure funding for this critical aspect of compliance."

- The Parties agreed that the 70% response rate required by the CA could be modified to "proposing survey methodologies, which will produce sample sizes that are large, enough to produce statistically significant parameters in comparison to the populations being surveyed."
- The Parties agreed that survey scope could be modified to say "survey sizes shall be large enough so that meaningful distinctions can be drawn among similar neighborhoods...". (Note: the FOP was not in attendance at presentations on November 6th and 7<sup>th</sup>, and has advised the Committee that they were not in agreement with this scope change.)

RAND's presentation recommended three possible scope and associated budget changes as follows:

- The first budget change reduced their original proposal by \$508,615.
- The second change reduced their proposal by an additional \$834, 413.
- The third reduced their proposal by another \$589,909. This last proposal lowers RAND's costs to \$2,376,888.
- They offered additional resources not originally proposed:



- RAND will support internal research for cutting-edge contributions to public policy. The funding level was not detailed, and this will not lower the cost of their proposal.
- RAND will support a minority or post-doctoral fellow from Cincinnati as a summer associate.
- RAND will host a policy forum on the project in Cincinnati.
- RAND will integrate project research into the curriculum of the RAND graduate school.
- RAND will disseminate project research through the "RAND Review" and their Congressional newsletter.

UC's presentation recommended a number of scope reductions. The total cost of the adjusted proposal is \$1,435,000.

The Evaluation Committee met on November 14, 2003, to discuss the proposals made by RAND and the University of Cincinnati on November 6 & 7, respectively. The committee discussed if there was any possibility of finding additional funding, since both proposals were in excess of the secured funding for this evaluation envisioned by the CA, and both require significant scope changes in the evaluation. **(Plaintiffs would like the aforementioned underlined language deleted.)** Jennifer After considerable discussion about various options, Richard Jerome of the Monitor's team and Ltc. Combs agreed to continue these discussions and to meet with the City's Budget Director to make a determination on this matter.

The committee also decided to go back to the aforementioned contractors and ask for revisions that contained the same elements after discussing the two latest proposals. The elements to be requested are (subject to a final committee review):

- Citizen survey to be conducted 3 times in 4 years. Proposals should show costs to deliver statistically significant data for each neighborhood and an alternate that would group similar neighborhoods.
- Survey of citizens with police interactions to be conducted 3 times in 4 years.
- Survey of police officers to be conducted 3 times in 4 years.
- Surveyed of officers' families to be conducted 3 times in 4 years. (This is a candidate for scope reduction.) **Plaintiffs would like the aforementioned underlined sentence deleted.**
- Survey of police and citizens that went through the complaint process to be conducted 3 times in 4 years.
- Survey of homeless to be conducted 3 times in 4 years. (This is a candidate for scope reduction.) **Plaintiffs would like the aforementioned underlined sentence deleted.**

- Racial profiling analysis of traffic stops for 5 years.
- Analysis of audio & video records for 4 years.
- CPOP observations for 4 years.
- Analysis of staffing data prepared by CPD to make recommendations for future data gathering.

This will be communicated to the contractors before Thanksgiving and they will have one week to respond.

## C. DEPARTMENT OF JUSTICE MEMORANDUM OF AGREEMENT

*Items 47, the City's compliance with the Department of Justice.*

### Monitor's Assessment

None Noted

### Status Update

The City has outlined progress with the provisions of the Memorandum of Agreement in the Quarterly Status Report to the Monitor dated November 12, 2003. Copies of the report have been distributed to the Collaborative Parties in addition to being posted on the CPD website.

**Plaintiffs' Comments:** "Plaintiffs also are concerned (and have made numerous requests for compliance) that we are not receiving any information on proposed and actual changes in use of force policy and training."

## **Pointing Firearms Complaints**

*Item 48, Pointing of firearms.*

### Monitor's Assessment

Complaints about improper pointing of firearms from March 2000 to November 2003 have been forwarded to the Conciliator, Judge Michael Merz. If Judge Merz determines that there has been a pattern of improper pointing of firearms by CPD officers, CPD officers will be required to complete a report when they point their weapon at a person.

### Status Update

In response to the supplemental information provided to the court by the Parties, Judge Michael Merz released a decision regarding this issue on November 14, 2003. In his decision, Judge Merz found no pattern of improper pointing of firearms by CPD. Further, Judge Merz found no obligation on the part of the City to continue the expedited investigative process for future complaints involving allegations of improper handling of firearms by police personnel will be addressed by the CCA.

**Plaintiffs would like the aforementioned underlined language deleted.**

Accordingly, the decision concludes that the City does not need to implement a reporting requirement each time CPD officers unholster their firearms. (See Attachment 15: Decision and Order Regarding Firearms Pointing Issue.

#### **D. “TO ENSURE FAIR, EQUITABLE AND COURTEOUS TREATMENT FOR ALL”**

*Item 51, The City shall measure whether any racial disparity is present in motor vehicles stops by CPD.*

##### Monitor’s Assessment

- Documentation of the audit of contact cards conducted by the Records Section and the Administrative Bureau Commander is needed. The data on the contact cards shall be broken down by race, national origin, gender, geographical area, and other characteristics deemed appropriate.
- CPD has not put in place procedures ensuring that officers will collect data on pedestrian stops. The contact card needs to require collection of incidents of use of force used, race of the officer and “Terry” stops. Policies and procedures must be in place to ensure contact cards are filled out completely and accurately and entered into a database and analyzed.
- The Monitor would also like specific vendor details and vendor-specific software components for the Mobile Data Computer system known as COPS MART and noted a need to select a vendor to review the data collected after December 2001.
- CPD should document the City’s efforts to publicize the process for reporting positive interactions with the police and dissemination of the forms, and clarify how the data from the positive feedback form is being compiled, used and disseminated. (10-1-03 report stated that by September 2003 a new form will be finalized and a public awareness plan will be in place)

##### Status Updated

The audit conducted by Lieutenant Colonel Biehl and Ms. Mary Taylor, Records Section, was a manual inspection to determine completeness of the Contact Cards. The audit was not conducted to generate data and a written report, but to determine any deficiencies in the completion of Contact Cards. Based upon that audit, administrative procedures were implemented to address missing information on Contact Cards. Those administrative procedures are noted on page 76 and 77 of the Monitor’s Third Quarterly Report.

The Patrol Bureau Commander was informed that when fields in the Contact Cards were not completed, it was most frequently the “search” and “contraband” fields and he was asked to address this issue at the weekly Patrol Bureau staff meeting. In addition, changes have been made to the Contact Card to address possible defects [e.g. the location of the “none” category in the search field] that may have resulted in officers’ neglecting to complete required fields. (See Attachment 16, Revised Contact Card) The Police Department is in the process of ordering revised Contact Cards.

**Plaintiffs’ Comments:** “Plaintiffs have not been consulted about the changes to the contact cards. Plaintiffs request a copy and an opportunity to be heard n this issue. Plaintiffs also request information on the compliance with the recording requirement.

We were very disappointed with the low number of cards used in the traffic stop study. Are officers using the cards? How do we know?"

The Parties have tentatively agreed to the content of the form designed to capture positive interactions between the police and the public. Representatives of the Police Department and FOP will meet in December to discuss the launching of a public awareness campaign regarding the use of a written document to solely capture information regarding positive interactions between the police and the public. A public awareness campaign was conducted on July 12<sup>th</sup>, 2002, wherein the availability of Service Feedback Forms to capture information on positive interactions between the police and the public was disclosed. The information obtained from these Service Feedback forms are recorded in officers' personnel files, incorporated into a quarterly report and published in the Police Department Staff Notes as previously reported to the Monitor.

On November 14, 2003, the Monitor in conjunction with the Parties publicly released the 2001 Traffic Stop at a press conference with University of Cincinnati Professors John Eck and Lin Liu. The following conclusions are shared by the Parties:

- The report finds unexplained disproportionality based on race in traffic stops in Cincinnati.
- Racial disproportionality in traffic stops is a challenge to perceived legitimacy of police action.
- Disproportionality by race may or may not be related to bias, preexisting conditions, and policing strategies.
- The Collaborative Agreement addresses many of the issues raised by the report and its implementation will serve as the primary response by the parties to the challenges posed by the report, in particular:
  - Community Problem Oriented Policing (CPOP), 16-29  
See First Annual Report of Parties on CPOP, August 2003
  - Mutual Accountability and Evaluations, 30-46  
Parties are in the final stages of selecting a vendor to provide ongoing evaluation of efforts to improve police community relations and effectiveness of police actions
  - Use of Force, 47-49  
Implementation of ongoing of these terms and the Memorandum of Agreement with the Justice Department
  - Bias Free Policing 51-54  
Data collection and analysis shall continue for the life of the agreement.
  - Civilian Review 55-89

Credible professional, independent review of alleged police misconduct helps build credibility and acceptance of police action.

**Plaintiffs' Comments:** "See previous comments. Plaintiffs were very disappointed with the defensive attitude of the CPD and FOP. Plaintiffs note that Chief Streicher breached the protective order and spoke publicly before the press conference – all to advocate his position rather than work in collaboration. Plaintiffs attach our own study guide which has been used to educate the public." (See Attachment 17, Plaintiff's study guide to Traffic Stop Study.)

*Item 52, All Parties shall cooperate in ongoing training and dissemination of information regarding Professional Traffic Stops Bias-Free Policing Training Program*

Monitor's Assessment

The Parties need to participate in ongoing training and dissemination of information. (No evidence of the other Parties participation in ongoing training and dissemination of information)

Status Update

CPD is currently doing scenario training and roll call training in which Bias-Free Policing is part of the overall theme. The Police Academy continues to review existing materials and plans to develop another program which has a heavy emphasis on bias-free policing for the rank and file. The Academy plans to involve the Parties for input via meetings and personal contact when more information is available.

**Plaintiffs' Comments:** "Plaintiffs want to know what is meant by "more information is available?" Plaintiffs are ready to participate."

*Item 53, Inclusion of detailed information including racial composition of those persons stopped, detained, searched, arrested or involved in a use of force in public reports.*

Monitor's Assessment

Under paragraphs 38 and 39 of the CA, the statistical compilations required under the evaluation protocol to include "stops of vehicles and pedestrians without arrest or issuance of a citation." The data shall be broken down by race, national origin, gender, geographical area, and other characteristics deemed appropriate.

Status Update

CPD continuous to require police officers to complete contact cards.

**Plaintiffs' Comments:** "Plaintiffs want a report on the use of force figures by race. Is this all captured on the contact cards? We think this involves analysis of the use of force reports themselves."

*Item 54, Officers shall explain to the citizens why her or she was stopped or detained in a professional, courteous manner, except in exigent circumstances*

Monitor's Assessment

The City is in compliance with this requirement.

**Plaintiffs' Comments:** "Plaintiffs ask – How is this monitored? A policy without in-field monitoring or citizen follow-up is not enough. Are officers doing this?"

## **E. CITIZEN COMPLAINT AUTHORITY (CCA)**

The City has secured the services of a national recruiting firm to assist in identifying and selecting a viable candidate to permanently fill the Executive Director position. Major stakeholders have been consulted and research has been conducted to develop a profile of skills needed for the Executive Director. Several potential candidates have been identified for whom the firm plans to contact and evaluate. Once the identification of several candidates, the evaluation and selection process which includes in-person interviews will begin. It is anticipated that the selection process for the Director will be similar to the process used for Nate Ford. That is, a process that includes participation of the Parties.

Members of the CCA Board have requested that the Monitor attend one of their Board meetings.

### *Item 64, Designation of an Assistant City Solicitor*

#### Monitor's Assessment

**The Parties are in compliance with this requirement.**

#### Status Update

**Plaintiffs' Comments:** "The City designated an assistant city solicitor whose work also involves compliance with the CA and MOA. Plaintiffs will continue to discuss the propriety of the assignment with the City."

### *Item 69, Five Professional Investigators and support personnel*

#### Monitor's Assessment

**The Parties are in compliance with this requirement.**

#### Status Update

**Plaintiffs' Comments:** See comments below.

### *Item 70-75, CCA Investigation Process, Intake, Assignments, CPD and City Cooperation and Investigations*

#### Monitor's Assessment

The Parties are in the process of defining whether CCA investigators should not be allowed to begin their investigation and monitor CPD work and interviews, until after the CPD investigations have been completed.

#### Status Update



The CCA recognizes that some Parties have concerns about the role of the CCA at "on scene" situations such as, call outs for shootings, deaths in custody, serious events, etc. Nevertheless, the CCA still has a responsibility to "respond to" and go to the scene to assess the situation CA is notified by CPD communication of all such events. Based on the nature of the event, the CCA will determine the level of work necessary to adequately capture information of a public nature as well as formalization of the scene, the participants, and a general understanding of the event. The CCA Executive Director will be advised of these situations by the Investigator who responds to the scene and may choose to send additional resources.

The CCA, per the Collaborative Agreement, paragraph 71, will monitor the work of the CPD as necessary.

On September 9, 2003, the Interim Executive Director of the CCA, provided the CCA Investigators with "On Scene Guidelines" to ensure a standardized and timely response to notifications from CPD. (See Attachment 18: On Scene Guidelines).

**Plaintiffs' Comments:**

"Plaintiffs have not been provided with these guidelines."

"Plaintiffs have reviewed various reports written by CCA investigators and approved by the board that raise concerns about possible pro-police bias and credibility determinations. Non-CPD witnesses are routinely not thoroughly interviewed. Some witnesses are not contacted and the reports are accordingly flawed in the sense that they conclude no police misconduct based on limited interviews and an intentional decision to not gather more facts that could support the complainant's position. To date, investigators at no time have made a decision to sustain a complaint when the issue and evidence is solely the word of the complainant against the police officer. The investigators must begin to make decisions based on credibility. This is important because the majority of wrongdoing done by officers is done where there are few witnesses and no physical evidence. Because of time constraints, plaintiffs will provide the monitor and parties with examples of these concerns in reports that plaintiffs have reviewed."

"Plaintiffs also are concerned that we are not receiving any policy changes that have been made with CCA."

"Plaintiffs are prepared to work with the CCA board, the CCA staff, the collaborative parties and the monitor to ensure that CCA investigations become more thorough so we can stand behind them as fair and impartial. We ask that the monitor make an audit of CCA investigations a top priority."

*Item 76 - 78 CCA Board Action*

Monitor's Assessment

**The Parties are in compliance with this requirement.**

*Item 80-81, Records*

Monitor's Assessment

None Noted

*Item 82-87, Prevention*

Monitor's Assessment

None Noted

## **F. MISCELLANEOUS**

### *Definitions for Parties' Responsibilities*

Representatives from the Plaintiffs were provided a copy of the draft definition on July 17, 2003. The Plaintiffs subsequently agreed to review the draft and to schedule a meeting with the Parties to discuss any proposed amendments. Comments from the Plaintiffs have not been received.

**Plaintiffs' Comment:** "Plaintiffs request another copy of the proposal and will review and respond."

### *CA Steering Committee Meetings*

The Parties continue to meet on a monthly basis to provide updates and discuss issues and concerns related to implementation to the Agreement (See Attachment 19: Meeting Summaries).

## **Appendix**

- 1 CPOP Committee's Agendas and Working Notes**
- 2 List of Draft Deliverables**
- 3 Departmental Meeting with Senior Administrators**
- 4 Liaison Training Agenda**
- 5 Target Implementation Timeline**
- 6 CPOP Webpage Training for Liaison Agenda**
- 7 Drug Eviction and Abatement Training Powerpoint, Information Report sent to City Council and Press Release**
- 8 CPOP Curriculum Development Workshop agenda**
- 9 Future CPOP Training Draft Powerpoint Presentation**
- 10 English and Spanish version of the Brochure "What to do When Stopped by the Police"**
- 11 Distribution Lists for the First Annual Problem Solving Report**
- 12 Draft CPD Commanders' Quarterly Report Format**
- 13 Procedure 12.370**
- 14 Draft Job Descriptions Modifications**
- 15 Decision and Order Regarding Firearms Pointing Issue**
- 16 Revised Contact Card**
- 17 Plaintiff's study guide to Traffic Stop Study**
- 18 On Scene Guidelines**
- 19 CA Steering Committee Meeting Summaries**